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Consideration of reports submitted by States parties under article 40 of the Covenant

List of issues in relation to the fourth periodic report of Uzbekistan

Addendum

Replies of Uzbekistan to the list of issues*

[Date received: 16 February 2015]

Replies of Uzbekistan to the list of issues of the Human Rights Committee in connection with its consideration of the fourth periodic report of Uzbekistan on the implementation of the International Covenant on Civil and Political Rights

Reply to question 1

1. Pursuant to Cabinet of Ministers Decision No. 227 of 23 July 2012, one of the main tasks of the interdepartmental working group to monitor the observance of human rights and freedoms is to examine and analyse questions relating to the protection of human rights and freedoms, such as monitoring the consideration and settlement of complaints by citizens of violations of their rights and freedoms, including complaints of torture and other degrading treatment.

2. *The interdepartmental working group, in cooperation* with the relevant ministries and departments, reviews claims formulated in the Committee's Views of criminal offences committed against individual Uzbek citizens. Information gathered in connection with those cases is examined at every meeting of the working group.

* The present document is being issued without formal editing.

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3. Procurators review the detention of persons in remand centres once a month, at which time they look into complaints and petitions received from detainees and convicts. Where violations are found to have occurred, appropriate action is taken.

4. Questions concerning the use of torture and other forms of ill-treatment are discussed in meetings of the Ministry of Internal Affairs, the Office of the Procurator-General, the Parliament, the Supreme Court in plenary session and the interdepartmental working group. Representatives of the media and non-governmental organizations (NGOs) attend. The proceedings of meetings of law enforcement bodies are published in the mass media, in particular the information publications "Postda" (in Uzbek) and "Na Postu" (in Russian), to which the public has broad access. The media also highlight the causes and circumstances which lead to the commission of torture.

Reply to question 2

5. One of Uzbekistan's undeniable achievements was the creation, in response to the recommendation of international organizations, of an institutional structure to monitor and supervise observance of human rights. In 1995–1996 two effective independent institutes for the protection of human rights were set up: the Human Rights Commissioner (Ombudsman) of the Oliy Majlis and the National Centre for Human Rights. In recent years special human rights bodies have been established in a number of ministries and departments.

6. The Office of the Ombudsman, created in 1995 at the initiative of the President of Uzbekistan, exercises parliamentary control over the observance of human rights legislation by State bodies, enterprises, institutions, organizations and officials by considering complaints by citizens and helping to restore their rights. The Ombudsman is actively involved in improving legislation, raising public awareness and promoting international cooperation in the sphere of human rights protection.

7. The National Centre for Human Rights has broader and more ambitious targets with regard to the promotion and observance of human rights in Uzbekistan. Pursuant to a Presidential Decree of 31 October 1996, it is responsible for such important tasks as the elaboration of a strategy for the implementation of the provisions of the Constitution of Uzbekistan, national legislation and universally recognized norms of international human rights law.

8. The National Centre for Human Rights has prepared and forwarded for consideration by the United Nations treaty-monitoring bodies more than 30 country reports on Uzbekistan's implementation of the main international instruments, has elaborated and is implementing more than 10 national action plans to give effect to the recommendations of the treaty-monitoring bodies, has evaluated more than 100 bills, has initiated bills on guarantees of children's rights and on free legal aid, has put out more than 2,000 publications, has conducted more than 1,000 awareness-raising initiatives and has published in large print runs more than 120 of the core documents on international legal instruments on human rights.

9. The work of the Office of the Ombudsman and the National Centre for Human Rights is in conformity with the Paris Principles: (a) they promote human rights; (b) they consult the Government on questions concerning the protection of human rights; (c) they review human rights legislation; (d) they prepare human rights reports; (e) they hear and investigate complaints from the population. They are independent, have a set jurisdiction and the requisite authority, are accessible, cooperate with non-governmental and international organizations and have complete financial independence.

10. In accordance with the Cabinet of Ministers decisions of 30 September 2008 on the set of measures for State support for national human rights institutions and of 11 December 2013 on measures for State support for the National Centre for Human Rights, a number of measures have been taken to strengthen the resource base and facilities of the Ombudsman and the National Centre for Human Rights.

Reply to question 3

11. Article 18 of the Constitution proclaims the fundamental principle of the interrelationship between the State and the individual, a principle expressed in the following considerations: all the citizens of Uzbekistan have the same rights and freedoms and are equal before the law without any distinctions based on sex, race, nationality, language, religion, social origin, opinions and personal or social status. The grounds of discrimination prohibited by the Constitution are fully consistent with the list of grounds contained in article 26 of the International Covenant on Civil and Political Rights.

12. Over a short period of time, Parliament adopted 16 codes and more than 700 acts regulating human rights and fundamental freedoms. Almost every act contains provisions prohibiting racial discrimination and mechanisms for implementing such prohibitions.

13. Uzbek legislation provides for administrative and criminal liability for violations of the right to equality before the law.

14. Under article 141 of the Criminal Code, a direct or indirect infringement of or restriction on rights or the granting of direct or indirect privileges to citizens on the basis of sex, race, ethnic group, language, religion, social background, beliefs, or personal or social status is punishable by a fine of up to 50 times the minimum wage, deprivation of a specified right for up to three years or correctional labour for up to two years. Cases of this type involving violence are punishable by correctional labour for two to three years, detention for up to six months or deprivation of liberty for up to 3 years.

15. In accordance with article 156 of the Criminal Code (Incitement to national, racial, ethnic or religious hatred), acts calculated to offend the honour and dignity of an ethnic group or insult the feelings of believers or atheists, committed with a view to inciting enmity, intolerance or discord with regard to certain communities on national, racial, ethnic religious grounds, and the direct or indirect restriction of rights or the establishment of direct or indirect privileges in connection with the nationality, race, ethnicity or attitude to religion of such communities, are punishable by deprivation of liberty for up to 5 years.

16. The State ensures a respectful attitude towards all nations and ethnic groups living in its territory:

- Prohibition of the organization of political parties set up on racial or national principles and of public associations seeking to foment racial or religious discord;
- Prohibition of the use of religion to foment enmity, hatred or ethnic discord;
- Prohibition of the use of the media to foment national, racial or religious hatred;
- Prohibition of acts preventing citizens from exercising their right to free choice of language in communication and in the instruction and education of children.

17. The legislative authorities and the public continue to give close attention to questions relating to the definition of various forms of discrimination. The National Plan of Action to implement the recommendations of the Human Rights Council and international treaty-monitoring bodies (2014–2016) provides for consideration of whether to introduce into labour legislation a definition of the concepts of direct and indirect discrimination at the workplace, as well as the possibility of holding a workshop/conference with the

participation of international experts on legal issues of direct and indirect gender discrimination.

Reply to question 4

18. There is no discrimination or prejudice against the Luli (Central Asian Roma) in Uzbekistan. The Ijtimoii Fikr Centre for the Study of Public Opinion has conducted a sociological study on the social and economic situation of the country's Roma population. According to the results of the opinion poll, 99 per cent of Roma respondents said they had not experienced any infringement or restriction of their right to pursue their traditional way of life in Uzbekistan. Roma in Uzbekistan live among the local population. They are bilingual (i.e. they speak Tajik and Uzbek).

19. The Roma who live in Uzbekistan are Muslims (99 per cent of respondents). The study showed that most Roma living in Uzbekistan receive material support from the State (75 per cent) and from local community bodies, the Makhallas (13.7 per cent).

20. All Roma respondents are citizens of Uzbekistan. The overwhelming majority of Roma respondents believed that no restrictions are imposed on their right to obtain citizenship.

21. The vast majority of Roma children attend general education schools. Some 81.9 per cent of Roma respondents said that State bodies did not infringe their children's right to primary, secondary and general secondary school education.

22. Roma residing in Uzbekistan do not encounter discrimination with regard to access to health facilities. In the view of 99.1 per cent of those polled, the rights of Roma with regard to access to health services (health-care centres, hospitals, etc.) are not infringed. Most Roma (99 per cent) said that they had not experienced any infringement or restriction of their labour rights by the authorities.

23. With regard to the repeal of article 120 of the Criminal Code, it is important to note that, as research shows, sexual relations between men are one of the reasons for the spread of HIV/AIDS, which poses a serious threat to public safety. Many countries (79 in all) have introduced legislation to make consensual same-sex relations a crime in order to combat HIV. Moreover, such relations between men run counter to the moral and spiritual values of society.

24. It should, however, be pointed out that these persons are not subject to any harassment or restriction on their rights with regard to sexual orientation.

Reply to question 5

25. Work is continuing on a bill on guarantees of equal rights and equal opportunities for men and women. With the support of the United Nations Population Fund (UNFPA), the bill was examined by international expert V. Neubauer, who proposed adding provisions on the authority coordinating the implementation of State policy in the sphere of women's rights, on the equality of women and men in the sphere of marriage, on remedies for the protection of women's rights and on the specification of time frames for implementation of individual articles of the law. The Centre for the Support of Civil Initiatives, together with the Women's Committee of Uzbekistan and the Centre for Human Rights, and with the assistance of UNFPA, took part in round-table discussions on the bill in 12 regions of the country, with the participation of more than 300 representatives of local authorities and women's organizations.

26. Special temporary measures are being applied to improve the status of women on the basis of the Oliy Majlis Elections Act of 29 August 2004, which provides that women must make up at least 30 per cent of the total number of candidates for Parliament nominated by the political parties. These measures have resulted in a steady growth in the representation of women in Parliament, from 7.2 per cent in 1999 to 16 per cent in 2005 and 22 per cent in 2009.

27. In 2014, 150 representatives were elected to the Legislative Chamber of the Oliy Majlis, of whom 52 were from the Liberal Democratic Party of Uzbekistan, 36 from the Democratic Party of Uzbekistan Milli Tiklanish, 27 from the National Democratic Party of Uzbekistan, 20 from the Social Democratic Party of Uzbekistan Adolat and 15 from the Ecological Movement of Uzbekistan.

28. Following elections to the Legislative Chamber in 2014, 133 persons of Uzbek, 7 of Karakalpak, 4 of Russian, 3 of Kazakh, 2 of Tajik and 1 of Korean origin were voted in as deputies.

29. Ninety-three persons of Uzbek, 4 of Karakalpak, 2 of Korean and 1 of Kazakh origin were elected to the Senate.

30. Compliance with the provisions of the Oliy Majlis (Elections) Act, which require at least 30 per cent of political party candidates to be women, resulted in 24 women (16 per cent) being elected to the Legislative Chamber and 17 (17 per cent) to the Senate in 2014.

31. The representation of women in the highest leadership positions of executive bodies stands at 14.3 per cent. Women in 14 provincial administrations hold the post of deputy chief administrator (khokim). Women also hold the post of deputy khokim in 167 district and 26 urban administrations. They account for 17.1 per cent of local authorities, elected and appointed.

32. Women are also represented in the judicial branch. In 2012, 86 women worked in the courts of general jurisdiction – 32 in criminal courts and 54 in civil courts. In 2013, 75 women worked in the courts of general jurisdiction – 25 in criminal courts and 50 in civil courts. In 2010, 26 women held leadership positions in the court system, as compared to 22 in 2011, 12 in 2012 and 15 in 2013.

33. In recent years, measures have been taken to increase the number of women employed at international level. As of 1 January 2014, women accounted for 8.2 per cent of the total number of employees in Uzbekistan's overseas agencies and 3 per cent of embassy employees. They make up 12.5 per cent of the employees in representative offices of Uzbekistan in international organizations.

34. The number of women holding decision-making posts at local level has increased steadily. In 2013, women made up 13.4 per cent of persons elected to local citizens' assemblies, as compared to 9.9 per cent in 2006, 11.5 per cent in 2008 and 12.7 per cent in 2012.

35. Favourable conditions have been created for the development of women's non-governmental organizations. Women's NGOs, which now number 539, are conducting noteworthy initiatives to upgrade women's qualifications, vocational training and further training. More than 44 per cent of those trained by NGOs have acquired a profession or upgraded their qualifications with the help of women's organizations.

36. The Presidential Decision on additional measures to facilitate the development of civil society institutions provided a five-fold reduction, as of 1 January 2014, of the rate of the State duty collected for registration of NGOs. For public associations of disabled persons, veterans, women and children, the registration fee is 50 per cent of the total amount for the State duty.

37. Legislative and other measures are being taken to address child, early and forced marriage.

38. On 22 August 2013, additional provisions were introduced into the Code of Administrative Liability regarding the liability of parents or persons acting in their stead who prevent children, including girls, from receiving compulsory general secondary education, special secondary education or vocational training (art. 47).

39. The Act of 28 March 2013 spelled out in detail the grounds in article 15 of the Family Code for lowering the marriageable age by no more than one year (pregnancy, childbirth, adjudication of a minor to be fully competent, or emancipated) and also contained a provision for a premarital medical examination for persons over 50 years of age, with their consent (art. 17). To prevent early marriages and child marriages, the Act of 28 March 2013 introduced article 125-1 into the Criminal Code and article 47-3 into the Code of Administrative Liability, regarding liability for violation of the law on marriageable age.

40. In 2014, the criminal courts heard 28 cases involving 29 persons under article 126 of the Criminal Code (Polygamy) and 24 cases involving 60 persons under article 136 of the Criminal Code (Forcing a woman to enter into marriage or preventing her from entering into a marriage).

41. As part of information campaigns addressing prevention of early and child marriages, the Ministry of Justice and its regional offices have conducted more than 5,000 awareness-raising initiatives, as a result of which 1,692 early marriages and 1,352 consanguineous marriages were prevented. In 2012 and 2013, Civil Registry Office authorities held 4,179 "Schools for Young Families" classes in vocational and academic secondary schools, attended by more than 200,000 students, who learned about the adverse consequences of early marriages and consanguineous marriages.

42. The procurator's offices conducted 4,991 initiatives, including 2,653 since the violation of legislation on marital age was made punishable, as a result of which 889 early marriages were prevented. Administrative charges were filed against 28 parents who allowed such marriages, 23 against husbands, and 5 against persons who held the religious ceremony.

Reply to question 6

43. Legislation in force in Uzbekistan guarantees protection against domestic violence and establishes liability for such acts.

44. The Criminal Code establishes liability for murder (art. 97), incitement to suicide (art. 103), infliction of grievous or moderate bodily harm (arts. 104–105), torture (art. 110), criminal abortion and forcing a woman to have an abortion (arts. 114–115) and rape and other forms of sexual violence (arts. 118–129).

45. All complaints lodged in connection with any form of domestic violence are registered and investigated by the internal affairs agencies in the prescribed manner. In cases in which as a result of domestic violence a person is caused minor bodily harm without prejudice to health, a case file is opened for the purpose of instituting administrative proceedings against the offenders under article 52 of the Code of Administrative Liability and is referred to the court in accordance with the procedure prescribed by law.

46. In the first 11 months of 2014, following the institution of criminal proceedings, including for domestic violence, a total of 44,837 orders were issued to address the causes and circumstances of an offence.

47. In 2014, the courts of general jurisdiction heard 224 criminal cases under article 112 of the Criminal Code (Threat of murder or violence); charges were brought against 248 persons.

48. In the first 11 months of 2014, internal affairs officials held 87,755 meetings, talks and lectures (compared to 91,086 in 2013) on the topic of gender equality, of which 24,663 (25,531 in 2013) were held in Makhallas with the local population, 45,410 (48,009 in 2013) with school pupils, 17,069 (16,957 in 2013) with students of vocational and academic secondary schools and 613 (589 in 2013) with higher education students. Of the 2,994 reports (3,303 in 2013) prepared on the aforementioned issues, 699 (765 in 2013) were broadcast on television, 1,329 (1,485 in 2013) on the radio and 996 (1,053 in 2013) appeared in newspapers and periodicals.

49. The Academy of the Ministry of Internal Affairs has elaborated a bill on the prevention of domestic violence which defines the concept of domestic violence. Greater emphasis is placed on preventive measures: the issuance of an official warning regarding the inadmissibility of illegal behaviour, the placement of the perpetrator of an administrative offence in family or domestic relations on a list of "domestic brawlers", and the possibility of issuing restraining orders imposing restrictions on specific activities of perpetrators of domestic violence.

50. Women's rights issues, inter alia combating violence against women and children, are included in a number of courses taught at the Department of International Law and Human Rights and other departments. On 22 October 2014, the department for the theory and practice of human rights of the Academy of the Ministry of Internal Affairs held a training workshop on the topic "Protection of women's rights in the work of the crime prevention inspectors of the internal affairs agencies".

51. The curriculum of the Centre for Advanced Legal Training of the Ministry of Justice for judges in criminal and civil jurisdictions and lawyers includes sections on the role of the law enforcement agencies and the courts in safeguarding the rights of women and combating violence against women.

Reply to question 7

52. The urgent nature of the State of Emergency Act is dictated by the need for the elaboration and timely adoption of appropriate measures to meet potential contemporary challenges and threats to public and State security.

53. An interdepartmental working group made up of specialists from the internal affairs agencies, the Ministry for Emergency Situations, the Ministry of Justice, the Ministry of Defence and the Ministry of Health has prepared a bill on the emergency situation based on article 93, paragraph 19, of the Constitution. The final draft has now been referred to the relevant ministries and departments for consideration and the formulation of proposals.

54. In accordance with the law, persons suspected or convicted of acts of terrorism or other crimes against the peace and security of humanity or who have been charged with an offence and have been extradited from other countries to Uzbekistan in connection with cases under consideration by the investigative units of the internal affairs agencies are ensured all guarantees and conditions for the exercise of their rights set out in the Code of Criminal Procedure.

55. National legislation provides that persons suspected or accused of having committed an act of terrorism or a related offence, including members of banned Islamic movements and groups, who have been extradited to Uzbekistan are guaranteed equal rights,

irrespective of sex, race, ethnic origin, language, religion, social background, opinions, or personal or social status (Criminal Code, art. 5), namely:

- The right to life (article 155 of the Criminal Code makes no provision for the death penalty);
- The right to protection from torture and other cruel, inhuman or degrading treatment or punishment (article 235 of the Criminal Code);
- The right to the inviolability of the person and protection from illegal detention or remand in custody (articles 242 and 243 of the Code of Criminal Procedure);
- The right to be tried in an independent and impartial court and to a review of the court decision in all court instances.

56. In accordance with the Miranda Rule, arrested persons, suspects and accused persons, regardless of the seriousness of the offence committed, have the right, in particular, to telephone a lawyer or close relative as soon as they have been arrested, to refuse to give testimony, and to be informed that their testimony may be used against them as evidence. Legislation ensures that arrested persons may meet in private with their lawyer from the moment of arrest, gives lawyers the right to meet with their clients in private without restrictions on the duration or number of meetings and introduces the institution of counsel for the witness.

57. In addition to this legislation, provision is made for the possibility for a person to be exonerated from criminal liability if he or she voluntarily abandons involvement in terrorist activities, informs the authorities thereof and actively assists in averting grave consequences and the attainment of terrorist goals. The Senate of the Oliy Majlis takes amnesty decisions on persons who express regret for their acts and have embarked on the path to reform.

Reply to question 8

58. In May 2005, terrorist acts committed in Andijan caused loss of life and massive material damage to private and State property. The terrorists killed 187 persons, including 63 peaceful civilians and 31 law enforcement officers and soldiers, and 287 persons (91 civilians, 49 law enforcement officers and 59 soldiers) were injured to varying degrees, as were 76 terrorists. The terrorists took 70 hostages, of whom 5 were brutally murdered.

59. Criminal investigations established that the terrorist acts were committed by members of the extremist religious organization Akromiilar. The courts conducted, in open session, criminal proceedings instituted against the persons involved in the terrorist acts. The defendants were convicted and sentenced to various forms of punishment of various lengths.

60. Fifteen officials have served their sentences: 10 from the Andijan provincial internal affairs service and 5 from the UYA-64T/1 correctional facility.

61. Criminal proceedings were instituted against 33 officials, including 17 from a patrol battalion, 10 from the UYA-64T/1 correctional facility, 6 senior officials and 9 former staff members; disciplinary action was taken against 6 officials.

62. The European Union sent delegations to Uzbekistan on two occasions (in December 2006 and in April 2007). The delegations were briefed in detail on the findings of the inquiry into the Andijan events, including the proportionality of the use of firearms by law enforcement officials, and received extensive replies to their questions.

63. Reports of continuing harassment and intimidation in Uzbekistan of the families of survivors of the Andijan events who have remained abroad are untrue. The families of such persons are not subject to any form of harassment.

Reply to question 9

64. When a person dies in custody, a forensic examination of the corpse is conducted to ascertain the time and cause of death and to resolve other questions of a forensic nature that have arisen for the law enforcement authorities.

65. Abdurahmon Abdubalievich Sagdiev, born on 10 April 1971 in Tashkent, ethnic Uzbek, citizen of Uzbekistan, was convicted by the Tashkent province criminal court on 11 August 1999 under article 159, paragraph 3 (b) (Attack on the constitutional order of Uzbekistan), article 244-1, paragraph 3 (a) (Production or distribution of material that endangers public order and security), article 244-2, paragraph 1 (Formation, leadership or membership of religious extremist, separatist, fundamentalist or other banned organizations), and article 59 (Sentences for multiple offences) of the Criminal Code and sentenced to 16 years and 6 months' deprivation of liberty.

66. On 28 February 2012, a fight broke out between the convicted offender Sagdiev and the convicted offender Umid Abdulsirazhidinovich Kholmatov (born on 20 June 1981 in Fergana province, ethnic Uzbek, citizen of Uzbekistan, multiple convictions, convicted on 28 July 2008 by the Fergana municipal court under article 169, paragraph 4 (c) (Theft), article 227, paragraph 2 (a) (Theft, destruction, damage to or concealment of documents, stamps, seals and forms), article 164, paragraph 2 (b) (Robbery), article 60 (Penalties for multiple convictions), article 61 (Rules of offset for combined sentences) and article 59 (Sentences for multiple offences) of the Criminal Code to 10 years and 6 months' deprivation of liberty)), in which Sagdiev was seriously injured and subsequently died, despite receiving emergency medical assistance.

67. On 29 February 2012 the Navoi special procurator instituted criminal proceedings No. 8051 against Kholmatov under article 98 (Intentional homicide committed in the heat of passion). On 6 July 2012, Kholmatov was convicted by the Navoi municipal criminal court under articles 98 and 60 (Penalties for multiple convictions) and sentenced to 9 years' deprivation of liberty.

68. Dilshod Iskhokov, born on 5 August 1970 in Tashkent, ethnic Uzbek, citizen of Uzbekistan, was convicted on 6 September 2000 by the Tashkent municipal criminal court under article 159, paragraph 3 (b) (Attack on the constitutional order of Uzbekistan), article 244-1, paragraph 3 (a) (Production or distribution of material that endangers public order and security), article 244-2, paragraph 1 (Formation, leadership or membership of religious extremist, separatist, fundamentalist or other banned organizations), and article 59 (Sentences for multiple offences) of the Criminal Code and sentenced to 16 years' deprivation of liberty.

69. On 8 May 2013, Iskhokov committed suicide.

70. The office of the procurator of Navoi province opened an investigation into Iskhokov's death and ordered a forensic medical examination (conclusion No. 33 of 8 May 2013 of the Navoi province forensic examination), which found no evidence of a violent death. In accordance with article 83 of the Code of Criminal Procedure, and given that no offence had been committed, it was decided not to institute criminal proceedings.

71. The Central Penal Correction Department has no record of Umid Akhmedov having been in custody in any penal institution.

72. The Central Penal Correction Department has no record of Khusniddin Okkuziev having been in custody in any penal institution.

73. Samariddin Sirozhiddinovich Salokhiddinov (born on 29 January 1978 in Tashkent, ethnic Uzbek, citizen of Uzbekistan, previously convicted) was sentenced on 13 March 2000 by the Syr-Darya provincial court for offences committed under article 156, paragraph 2 (e) (Incitement to national, racial, ethnic or religious hatred), article 159, paragraph 3 (a) and (b) (Attack on the constitutional order of Uzbekistan), article 242, paragraph 1 (Organization of a criminal association), article 216 (Unlawful organization of voluntary associations or religious organizations), article 244-1, paragraph 3 (a) (Production or distribution of material that endangers public order and security), article 244-2, paragraph 2 (Formation, leadership or membership of religious extremist, separatist, fundamentalist or other banned organizations), and article 59 (Sentences for multiple offences) of the Criminal Code to 17 years' deprivation of liberty. On 23 March 2006 he was convicted by the Navoi province criminal court under article 159, paragraph 3 (a) and (b) (Attack on the constitutional order of Uzbekistan), and article 60 (Penalties for multiple convictions) and sentenced to 13 years' deprivation of liberty.

74. On 20 October 2013, Salokhiddinov committed suicide.

75. The office of the procurator of Navoi province opened an investigation into Salokhiddinov's death and ordered a forensic medical examination (conclusion No. 19 of 20 October 2013 of the Navoi province forensic examination), which found no evidence of a violent death. In accordance with article 83 of the Code of Criminal Procedure, and given that no offence had been committed, it was decided not to institute criminal proceedings.

Reply to question 10

76. Analysis shows that the content of article 235 of the Criminal Code is as similar as possible to the text of article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its definition of "torture and other cruel, inhuman or degrading treatment or punishment". The difference is that article 1 of the Convention does not restrict the categories of offenders, whereas article 235 of the Criminal Code specifies only officials conducting preliminary inquiries and pretrial investigations, procurators and other employees of law enforcement bodies and correctional institutions, which reflects the specific nature of the system for combating torture in Uzbekistan.

77. On 24 June 2014, the Academic Coordination Council for Research in the Field of Human Rights and Freedoms of the National Centre for Human Rights held a meeting on "National and international experience in the definition of the term 'torture' and its relation to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", at which there was a broad exchange of views on the subject.

78. Discussions are currently being held on the adoption of measures to bring article 235 of the Criminal Code fully into line with article 1 of the Convention as part of the further integration of the norms of international law into national legislation and in order to reflect best practice from abroad.

79. Pursuant to article 68 of the Criminal Code, a person who commits an offence may be absolved from liability through an amnesty act adopted by the Senate of the Oliy Majlis in accordance with article 80 of the Constitution. The granting of amnesty does not revoke the criminal statute assigning liability for the specific offence, nor does it annul the court's sentence; it only mitigates the impact on convicts and offenders, including under article 235 of the Criminal Code.

80. Amnesties are granted only for specific categories of convicts or persons who have committed certain categories and types of offence. These persons are absolved from criminal liability, exempted from serving their sentence or have their sentence reduced. Persons are granted amnesties whose conduct while serving their sentence gives reason to believe that they will not commit another offence. Particularly dangerous repeat offenders and other dangerous criminals are not granted amnesties.

Reply to question 11

81. The reports referred to in subparagraphs (a) to (f) are from unreliable sources and reflect a biased approach whose aim is to spread disinformation about respect for human rights in Uzbekistan.

82. First of all, reports and other information about unlawful actions by law enforcement officers are registered and immediately examined within no more than three days and, where necessary, steps are taken, directly or with the assistance of the agencies responsible for initial inquiries, to verify within 10 days whether there are sufficient and lawful grounds for instituting criminal proceedings (Code of Criminal Procedure, art. 329).

83. Secondly, reports in this category, including those submitted to the Office of the United Nations High Commissioner for Human Rights, are considered at meetings of the interdepartmental working group to monitor the observance of human rights by law enforcement agencies, which is chaired by the Minister of Justice, and the appropriate decisions are taken on the basis of the results of the monitoring.

84. Thirdly, in accordance with the 2008 agreements between the Office of the Procurator-General and the Human Rights Commissioner of the Oliy Majlis and the National Centre for Human Rights, representatives of those organizations are invited to carry out independent inquiries into any allegations of human rights violations committed by members of law enforcement bodies.

85. Fourthly, the investigation of statements concerning the use of unlawful methods is one of the tasks of the special units for maintaining internal security (special staff inspection units), which are independent, since combating, exposing and investigating crime are not part of their functions and they are not subordinate to anti-crime agencies.

86. Fifthly, in order to prevent the occurrence of cases of unlawful treatment of detainees and convicted prisoners, the procuratorial authorities carry out checks every 10 days on the legality of the detention of prisoners held in custody by the internal affairs agencies. In addition, procurators conduct monthly checks of persons held in remand units, during which any complaints or statements received from such persons or convicted prisoners are verified. Where violations are found to have occurred, appropriate measures are taken.

87. Sixthly, the use of evidence obtained under duress is prohibited in Uzbekistan. Article 17 of the Code of Criminal Procedure provides that "the use of torture and other cruel, inhuman or degrading treatment against detainees and remand prisoners shall be prohibited". Only such information as is found, verified and evaluated in accordance with national criminal procedural legislation may be used to establish the truth. Article 22 of the Code of Criminal Procedure prohibits the coercion of a suspect, accused person, defendant, victim, witness or other person involved in a case into giving testimony by means of violence, threats, infringement of their rights or other illegal measures.

88. The Plenum of the Supreme Court stated, in its decision of 19 December 2003, entitled "Application by the courts of laws which guarantee the right of accused persons and defendants to a defence", that evidence obtained by methods that violate human rights,

including the use of torture, cannot be accepted in criminal cases. The decision adopted by the Plenum of the Supreme Court on 24 September 2004 on certain issues arising in the application of criminal procedural law relating to the admissibility of evidence specifies that testimony, including confessions, obtained by the use of torture, violence or other cruel, inhuman or degrading treatment or punishment, or by deception or other unlawful methods, is inadmissible as evidence.

89. Seventhly, an important step in ensuring the protection of the rights of detainees was the introduction of habeas corpus, which ensures better protection of the rights of the parties to criminal proceedings and broadens court oversight over the activities of the bodies conducting the pretrial inquiry and investigation.

90. The institution of the counsel for the witness was also introduced, who defends the rights and legal interests of witnesses in accordance with the established procedure and provides them with legal aid. A counsel for a witness may participate in the case from the time when a summons for the witness is issued, on presentation of accreditation as a lawyer and a warrant of attorney.

91. Eighthly, the legal guarantees of protection against torture were also strengthened by the Police Operations Act of 25 December 2012, pursuant to which in the event of a violation committed by the police operation bodies or their officers of a person's rights, freedoms and legitimate interests, they are required to take action to restore them, to provide compensation for the harm suffered and to bring the perpetrators to justice. No one may be subjected to torture, violence or other cruel, humiliating or degrading treatment (art. 7).

92. Ninthly, the legislative authorities also give attention to the prevention of torture. In June 2014, the Oliy Majlis Legislative Chamber Committee on International Cooperation and Interparliamentary Relations monitored the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Kashka-Darya province.

93. In 2014, courts of general jurisdiction heard eight criminal cases under article 235 of the Criminal Code, and charges were brought against 15 persons, of whom 13 were sentenced to deprivation of liberty.

94. Persons or their representatives who consider that they have suffered material harm because of an offence may file a civil suit. Persons who have not brought civil claims during criminal proceedings as well as persons whose claims have not been considered are entitled to file a claim in civil proceedings (Code of Criminal Procedure, art. 276).

95. In addition, in line with article 1021, paragraph 2, of the Civil Code, compensation is granted for moral harm, irrespective of whether guilt can be established, whenever harm is caused to an individual as a result of an unlawful conviction, unlawful criminal prosecution, unlawful preventive detention or extraction of a pledge of good conduct, unlawful administrative penalties, unlawful imprisonment and in other cases provided for by law. In 2014, 5 out of the 7 persons who were victims of crimes received 1,900,000 soms in compensation for material harm under article 235 of the Criminal Code.

Reply to question 12

96. The report according to which the State party abducts Uzbek nationals or ethnic Uzbeks wanted for extradition from Russia and Ukraine is based on unverified sources and is not true.

97. Persons accused of organizing or participating in violent acts committed on the territory of Uzbekistan are extradited on the basis of the decisions of the competent

authorities of other countries taken in response to requests by Uzbekistan, which are made in full compliance with the norms of international law.

98. When Uzbekistan requests the extradition of persons accused of committing offences, including of a terrorist or extremist nature, the requested State is guaranteed that the extradited persons will not be subjected to torture or other forms of cruel, inhuman or degrading treatment or punishment, that they will be prosecuted solely for the offences for which they are being extradited and that, once the trial is over and the sentence has been served, they will be free to leave the territory of Uzbekistan, and they will not be expelled or transferred to a third country without the consent of the extraditing State.

99. All extradited persons placed in pretrial detention centres and penal institutions undergo a full medical examination, including for signs of torture or other forms of ill-treatment.

Reply to question 13

100. One of the main objectives of Presidential Decision No. 2221 of 1 August 2014 on the State programme for further improvement of the reproductive health of the population and protection of the health of mothers, children and adolescents (2014–2018), which is currently being implemented, is to ensure broad and equal access to quality medical services in order to promote the reproductive health of the population and protect the health of mothers, children and adolescents at all levels of the health-care system.

101. Studies show that 71.1 per cent of women use contraceptives and that there are no significant differences in the level of awareness and the use of various contraceptive means between urban and rural areas. For example, 49 per cent of the rural population and 45 per cent of the urban population use intrauterine devices, 19 per cent of the rural population and 30 per cent of the urban population use condoms, 21 per cent of the rural population and 25 per cent of the urban population rely on lactation amenorrhea, 10 per cent of the rural population and 19 per cent of the urban population use oral contraceptives, 6 per cent of the rural population and 6 per cent of the urban population have undergone voluntary surgical contraception and 3 per cent of the rural population and 6 per cent of the urban population use contraceptive injections.

102. The accessibility of a wide range of contraceptives and increased awareness of methods for preventing unwanted pregnancies have contributed to the fact that abortions have ceased to be a form of birth control. Induced abortions have been legalized and are performed in medical facilities in the first 12 weeks of pregnancy. In recent years, the abortion rate has dropped from 39.9 to 5.0 per 1,000.

103. Numerous studies conducted in Uzbekistan by the World Health Organization (WHO), the United Nations Children's Fund (UNICEF) and UNFPA have confirmed the transparency of the Government's policy regarding the human right to reproductive health and a healthy family.

Reply to question 14

104. Uzbekistan follows a policy of prohibiting the corporal punishment of children. That prohibition was established in general education and specialized institutions through a specific paragraph in the regulations addressing the standard rules and the rules for specific institutions. In accordance with these documents, "child-friendly schools" principles were introduced, and all the necessary conditions were established for children's development, upbringing and quality education.

105. To prevent corporal punishment and other forms of ill-treatment of children in the family, juvenile delinquency prevention units in the internal affairs agencies inspect conditions at educational institutions, cultural entertainment establishments, sports facilities, clubs and circles, and at the place of residence, at school and at work and monitor the treatment of children by parents or persons acting in their stead and other persons to detect violations of children's rights, freedoms and legitimate interests.

106. In accordance with the Guardianship and Custody Act of 2 January 2014, the guardianship and custody authorities identify and register orphans and children without parental care, decide on the type of child placement, monitor the conditions of care, upbringing and schooling, initiate proceedings to limit or withdraw parental rights and to restore such rights and take part in the consideration of such matters in court.

107. Clubs, associations and NGOs participate in the spiritual, moral, artistic, physical and occupational education of children and provide assistance to children and families at risk. The Guarantees of Children's Rights Act of 7 January 2008 introduced a judicial procedure for the placement of minors at risk in specialized educational facilities and social and legal aid centres for juveniles run by the internal affairs agencies.

Reply to question 15

108. Effective steps are being taken to combat trafficking in persons and to assist with the rehabilitation of victims. An action plan to improve the effectiveness of efforts to combat trafficking in persons has been implemented, and a national interdepartmental commission on trafficking in persons has been established under the direction of the Procurator-General.

109. In the first 11 months of 2014, 460 offences involving trafficking in persons were detected, and 612 persons were prosecuted, of whom 368 were men and 244 were women; 4 were foreign nationals. A total of 1,130 persons were recognized as victims of trafficking (740 men and 390 women, including 32 juveniles).

110. On 5 November 2008, a rehabilitation centre was opened, and from 2009 to 2013 medical, psychological, legal and social assistance was provided to 1,236 (in 2013: 338) victims of trafficking, of whom 898 were men and 338 were women. In the first 11 months of 2014, 347 victims (252 men and 95 women) were referred to the centre. Social assistance for such persons includes support in finding employment and provision of temporary housing.

111. Persons conducting an initial inquiry, investigators, procurators and the courts must take measures to protect the life, health, honour, dignity and property of victims of trafficking and to identify and prosecute the guilty parties. Persons convicted by a court of trafficking in persons must reimburse in full the costs of caring for and rehabilitating the victims.

112. To prevent trafficking in persons, work is being carried out to create new jobs. Under the job creation programme, some one million new jobs were created in 2013, and 930,500 in the first 11 months of 2014.

113. Reports that children (mostly those above the age of 16 years), students, public and private-sector workers, pensioners, mothers and other persons receiving public welfare benefits continue to be involved in forced labour in the cotton sector under threat of penalties, including expulsion from school or university, dismissal from work or the loss of salary, pension and welfare benefits, as well as verbal and physical abuse, are untrue.

114. Hotlines have been set up at the Council of the Federation of Trade Unions, in national councils of industrial trade unions and at local trade-union associations; 1,994 communications were received in 2013 and 1,906 in 2014 for which legal advice was

provided. In 2014, 7,119 communications were received by trade-union bodies at all levels, including 3,352 in writing and 187 via the Internet. Not one of those channels received a communication concerning the use of the forced labour of children in the cotton sector or the loss of a pensioner's or a woman's pension or welfare benefits for any reason.

115. Measures are being taken to prohibit forced labour. An Act of 21 December 2009 amending the Code of Administrative Liability in order to improve the legal protection of the rights of minors established administrative liability for persons who use child labour on jobs that may harm a child's health, safety or morals. Employer liability was increased for the violation of labour legislation and occupational safety and health regulations when children are concerned.

116. Constructive cooperation between Uzbekistan and the International Labour Organization has been growing on the basis of the Decent Work Country Programme 2014–2016 adopted on 25 April 2014, one of whose priorities is comprehensive ILO assistance in the effective implementation of the national action plan on the application of the child labour conventions.

117. Cabinet of Ministers Decision No. 132 of 27 May 2014 was adopted on additional measures for the implementation in 2014–2016 of ILO conventions ratified by Uzbekistan; it provides for annual national monitoring with the use of methods and instruments of the ILO International Programme on the Elimination of Child Labour (IPEC) in order to ensure compliance with the prohibition of the use of child labour by individuals and legal entities.

118. In June 2014 the Federation of Trade Unions adopted a joint plan of action for cooperation between the Council of the Federation of Trade Unions, the ILO Bureau for Workers' Activities and the ILO Country Office for Eastern Europe and Central Asia, in line with Uzbekistan's Decent Work Country Programme 2014–2016, and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up was translated into Uzbek and published.

119. Monitoring conducted with ILO participation showed that the forced labour of minors and other persons during the 2013–2014 cotton harvest was not permitted.

120. Monitoring by ILO experts showed that the Government had not initiated the employment of minors for the cotton harvest. The cases identified had been initiated by the children themselves or by their parents (49 minors worked during the cotton harvest, of whom 41 were directly involved in picking cotton).

121. Following the identification of these cases by local monitoring groups with the help of labour inspections, administrative proceedings were initiated and fines totalling more than 11 million soms were imposed.

Reply to question 16

122. The Code of Criminal Procedure establishes the grounds and procedure for the detention of this category of persons for 72 hours. During this period, the person must undergo a medical examination, procedural steps must be taken to consolidate evidence implicating the detainee, material must be submitted to the procurator with an application for a remand in custody as a preventive measure, and the procurator must transmit to the court an order with the material no later than 12 hours prior to the expiration of the period of detention. The court may extend the period of detention for a further 48 hours, after which it is decided whether a criminal case will be brought against the detainee and whether preventive measures should be taken or the person released from custody. In exceptional cases, the court may decide to apply remand in custody as a preventive measure against a detained suspect. The suspect must, however, be charged within 10 days of the

day of detention, or the preventive measure is overturned and the person released from custody (Code of Criminal Procedure, art. 226).

123. Article 9 of the Covenant does not provide for set periods of detention, specifying only that a detainee must be brought promptly before a court. The period of 72 hours provided for by national legislation is acceptable for the collection and examination of evidence implicating or exonerating the detainee.

124. Pursuant to article 243 of the Code of Criminal Procedure, an application for a remand in custody or house arrest is considered in closed session with the participation of the procurator, and with that of the defence counsel if the latter is involved in the proceedings. The detainee must be brought to the court hearing. The detainee's legal representative and the investigator have the right to participate in the court hearing. Where necessary, the investigator may be summoned to appear.

125. An application for a remand in custody of a person on a wanted list is considered without that person's participation.

126. In 2014, 55,403 criminal proceedings were held in the courts of general jurisdiction, and the following decisions on preventive measures were taken with regard to 77,038 persons: pledge of good conduct (43,799 persons); personal recognizance (3,233 persons); recognizance of a voluntary organization or a collective body (118 persons); bail (10,246 persons); remand in custody (11,390 persons); house arrest (1 person); and release under supervision (408 minors). In the case of 7,843 persons, no preventive measures were applied.

Reply to question 17

127. National legislation is applied equally for all convicted persons, including for offences of a religious extremist nature. Convicts are released from prison once they have served their sentences or on the basis of an amnesty decision.

128. Under article 221 of the Criminal Code, proceedings are instituted against convicts who systematically violate prison regulations, i.e. if there is evidence that a crime has been committed pursuant to that article. Accused persons are entitled to the protection of their interests during the investigation.

129. In accordance with legislation on penal enforcement and on criminal procedure, convicts are entitled to professional legal assistance. To that end, they are permitted to meet with their lawyers in private, either at their own request or upon an application filed by the lawyer. Meetings between convicts and their lawyers are not counted as visits under the law on visiting rights; their number and duration are unlimited. The lawyer may file complaints regarding the actions or decisions of the prison administration and may also request records, certificates and other documentation from the prison administration.

130. There is no basis in legislation for a refusal to release a convict who has served a court sentence on grounds of "posing continuing danger to society". There have been no reports of a refusal, on such grounds, to release a convict who has served a sentence.

131. In accordance with article 105 of the Penal Enforcement Code, the following disciplinary sanctions may be imposed on persons sentenced to deprivation of liberty if they violate the regulations governing the serving of sentences: warning; reprimand; cancellation of privileges; placement in a disciplinary unit; transfer of a malicious offender against the regulations from an open prison to an ordinary colony or a colony with a strict regime, or from a strict regime colony to one with a special regime, or from a colony to a prison.

132. No provision is made for the extension of prison sentences as a disciplinary measure, and there have been no reports of such a practice. The consideration of a case in a penal institution is no obstacle to having access to a lawyer. The right to a defence is guaranteed for persons being prosecuted, irrespective of the location of the trial.

Reply to question 18

133. In accordance with article 217 of the Code of Criminal Procedure, if a person conducting initial inquiries or pretrial investigations, a procurator or a court has applied a preventive measure against a suspect, accused person or defendant in the form of detention, remand in custody or confinement in a medical institution for assessment, he or she must inform a family member of the measure within 24 hours or, in the absence of a family member, relatives or close acquaintances, and must also inform the individual's place of work or study.

134. Under article 46 of the Code of Criminal Procedure, accused persons are entitled to know the exact nature of the accusation, give testimony and explanations concerning the charges, use their mother tongue or the services of an interpreter and conduct their own defence; in accordance with articles 49 to 52 of the Code, they are entitled to receive free legal aid. Accused persons are entitled to meet with their defence counsel, with no restriction on the length or number of meetings. Detainees and accused persons have the right to a defence counsel from the moment of their arrest (Code of Criminal Procedure, art. 46). Under articles 24 and 64 of the Code, the person conducting initial inquiries or pretrial investigations, the procurator or the court is required to read suspects and accused persons their rights and give them genuine opportunities to exercise their right to a defence.

135. The waiver of defence counsel does not deprive a suspect, accused person or defendant of the right to submit, at a later date, an application for the participation of a defence counsel in the case.

136. Article 50 of the Code of Criminal Procedure stipulates that, in cases where it is not possible for the chosen defence counsel to take up the case within 24 hours, the person conducting the initial inquiry, the investigator, the procurator or the court must propose that the suspect, accused person or defendant or his or her relatives request a law office, bar association or law firm to appoint a defence counsel, who is entitled to take on the case at any point. Investigative measures involving a detainee are, at his or her request, conducted only in the presence of a lawyer.

137. The right of remand prisoners to contact a doctor of their choice is contained in article 24 of the Health Protection Act. Article 229 of the Code of Criminal Procedure states that detainees must be held in conditions that comply with health and hygiene regulations and that the medical services for detainees and health care in premises where they are held must be organized and dispensed in accordance with the law. Under a joint order of 15 February 2000 issued by the Minister of Internal Affairs and the Minister of Health on measures to improve medical services for detainees and prisoners, persons held in correctional facilities and remand centres are provided with inpatient and outpatient medical diagnosis and consultations.

Reply to question 19

138. An official investigation is carried out into every identified case of use of physical force, ill-treatment or violation of the rights and lawful interests of persons deprived of liberty. Perpetrators are subject to severe disciplinary measures and are usually dismissed

from the internal affairs agencies, and the official review file must be handed over to the procuratorial authorities.

139. All convicts, irrespective of their ethnic background, the articles under which they were convicted and the penal institution, have the same right to be visited and to receive letters and parcels; no limitations are placed on the number of letters which convicts may send or receive.

140. There is no solitary confinement in the facilities of the penal correction system; convicts are housed in dormitory arrangements.

141. Representatives of national and international organizations have visited the Jaslyk detention facility on a number of occasions. On 10 April 2014, the facility was visited by members of the United States Embassy in Uzbekistan (Mr. E. Collins, second secretary of the political and economic affairs department, and Mr. Askerov, assistant for political questions). During all these visits, note was taken of positive reports about the operation of the facility, and willingness was expressed to continue and strengthen cooperation.

Reply to question 20

142. To improve the situation of persons held in places of detention, supervision is constantly ensured both internally within the penal correction system and by other State bodies and NGOs. This guarantees that the activities of the penal correction system are carried out in compliance with the law.

143. The system of extra-departmental supervision and monitoring is composed of State and administrative bodies, the offices of the procurator, voluntary organizations and international bodies.

144. The Human Rights Commissioner (Ombudsman) of the Oliy Majlis may visit penal correction facilities without hindrance to investigate complaints lodged by convicts or at his/her own initiative. A draft statute on establishing a representative of the Commissioner within the penal institution structure has been elaborated in order to promote further cooperation with national human rights bodies and public scrutiny of the prison system.

145. In the framework of cooperation with the regional office of the International Committee of the Red Cross (ICRC), since 2001 ICRC officials have carried out more than 200 monthly visits to the country's correctional institutions and holding facilities. (In April 2012, the ICRC office announced that it had halted prison visits without indicating the reasons.) On 24 June 2014 a meeting was held at the Ministry of Internal Affairs between senior officials of the Central Penal Correction Department and the regional head of ICRC, Jacques Villette, during which both sides agreed on the need to consider the possibility of preparing and adopting a framework document on the promotion of cooperation in new areas.

146. Monitoring of places of detention is also carried out by a team from the European Union project for assistance for judicial reforms in Uzbekistan, the project coordinator of the Organization for Security and Co-operation in Europe (OSCE), the regional office of the United Nations Development Programme, the Commission of the European Union, the Konrad Adenauer Foundation, the Friedrich Ebert Foundation, the WHO Regional Office for Europe and representatives of diplomatic missions accredited with Uzbekistan (in particular, Azerbaijan, Belarus, Germany, Kazakhstan, Pakistan, the Russian Federation, the United Kingdom, the United States of America, Turkey and Ukraine), as well as deputies of the Oliy Majlis of Uzbekistan, the Women's Committee of Uzbekistan, the National Centre for Human Rights, the Religious Affairs Committee of the Cabinet of

Ministers, the National Centre for AIDS Control, the national OOTS centre and the Kamolot Youth Movement of Uzbekistan.

147. The Office of the Ombudsman is elaborating draft regulations on a national mechanism for the prevention of torture and the monitoring of places of deprivation of liberty on the basis of a study of foreign experience and the recommendations of Professor B. Bowring. The purpose of the mechanism will be to conduct regular preventive visits to places of deprivation of liberty, analyse the situation with regard to torture, identify reasons for its perpetration and assist with the investigation of cases uncovered and the prosecution of the guilty parties. Questions concerning the operation of the mechanism were the subject of discussion at an international conference on the topic "Further reform of the judicial and legal system", held on 23–24 June 2014 in Tashkent.

Reply to question 21

148. The status of foreign nationals and stateless persons is defined by a Government Decision of 21 November 1996, which introduced rules governing the entry into, exit from, temporary residence in and transit through Uzbekistan of such persons and the relevant procedure in that regard.

149. The rules governing the temporary residence of foreign nationals and stateless persons in Uzbekistan of 16 April 1996 established the procedure for the issuance of temporary and permanent residence permits to such persons.

150. Foreign nationals, including nationals of the Member States of the Commonwealth of Independent States and stateless persons, may reside temporarily or permanently in Uzbekistan. The rules establish the procedure for the issuance of a temporary permit to foreign nationals residing in Uzbekistan for the period of validity of an entry visa, the issuance of a permanent residence permit to foreign nationals, the movement of foreign nationals on the national territory, and curtailment of temporary residence and expulsion of foreign nationals for violations of the law.

151. A foreign national may be expelled from Uzbekistan for violating the rules governing presence in the country (namely, sojourning without appropriate or valid documents; failing to comply with the procedures governing registration, movement or choice of place of residence; refusal to depart upon expiry of the period of residence; or non-compliance with the rules on transit through the national territory), with subsequent limitation of the right to enter Uzbekistan for one to three years.

152. Foreign nationals have the right to appeal a decision on expulsion from Uzbekistan and the curtailment of temporary residence, in accordance with and on the basis of national legislation.

153. Questions concerning the definition of the status of asylum seekers and legislation to ensure their rights are currently the subject of extensive discussions in the legal community.

Reply to question 22

154. The following measures have been taken to ensure the full independence and impartiality of the judiciary:

- Firstly, the judicial system has been completely removed from the control and influence of the executive authorities; the supervisory function of the procurator over the courts has been abolished. The procurator's office no longer has the power to suspend the execution of court decisions. The right to initiate criminal

proceedings or to announce an indictment in such proceedings has been removed from the authority of the courts;

- Secondly, judicial control over the investigation in pretrial proceedings has been strengthened; habeas corpus has been introduced into national legislation; authority to order remand in custody has been transferred from the procurator to the courts, as has been the application of coercive procedural measures such as removal from office and placement in a medical institution;
- Thirdly, a package of measures is being implemented to ensure the equality of prosecutors and defence counsel, safeguard the adversarial system at all stages of criminal and civil proceedings and strengthen the autonomy and independence of lawyers;
- Fourthly, the cassation procedure has been reformed, and an appeal procedure for case reviews has been introduced. New forms of civil proceedings have been introduced, such as writ proceedings and other types of simplified dispute review, which have significantly accelerated the protection process and strengthened guarantees for redress;
- Fifthly, the specialization of courts of general jurisdiction has been implemented, and civil and criminal courts have been established. The minimum age for a first-time appointment to a judgeship in interdistrict or district (municipal) courts has been raised from 25 to 30; five years of legal experience are required; and the professional training requirements have been increased. Measures have been taken to increase the roster of candidates for judgeships, which is now established on the basis of proposals from judicial bodies, the office of the procurator, the courts and the internal affairs agencies. The system of training has been overhauled, qualifications for court officials raised and measures to improve their social security implemented.

155. There is no basis for the assertion that lawyers are required to retake the bar exam and receive new licences to practise every three years. No legislation sets a duration of validity for a licence to practise law; in other words, the licence is permanent. No legislation contains a requirement to obtain a new licence every three years, and there is no such practice. In accordance with article 7 of the Bar Act, lawyers must constantly update their knowledge and must take further training at least once every three years.

Reply to question 23

156. The private life of citizens, the inviolability of the home, and the privacy of correspondence, telegraph messages and telephone conversations are protected by law. The search, seizure, or inspection of homes or other indoor or outdoor spaces occupied by persons, the seizure of postal, telegraphic and other correspondence and their confiscation at post offices, and wiretapping of telephone or other communications may be carried out solely in the instances specified and in the manner prescribed by the Code of Criminal Procedure.

157. In accordance with article 12 of the Police Operations Act of 25 December 2012, the authorities conducting such operations may, with the consent of individuals and legal entities, make use of office buildings and residential premises, means of transport and other spaces to make audiovisual recordings, films and photographs which do not pose a risk to life or health. They must not disclose any information relating to private lives or affecting the honour or dignity of the persons concerned without their consent.

158. Pursuant to the Information Act, disclosure in the Internet of information constituting government secrets or any other secrets protected by law, as well as the spreading of information that incites national, racial, ethnic or religious hatred, brings into disrepute personal honour or dignity or professional reputation or allows interference in private lives, is prohibited.

159. In accordance with Cabinet of Ministers Decision No. 274 of 7 October 2013, citizens' self-governing bodies may establish commissions, in particular on questions of reconciliation, social support, work with women, juveniles and young people, sports, enterprises, the promotion of family businesses, ecology and environmental protection, public services and landscaping, as well as commissions for public oversight and the protection of consumer rights. This means that the Makhalla committees provide local inhabitants socioeconomic support, but do not interfere in their private lives.

Reply to question 24

160. The assertion that human rights defenders and other civil society activists are harassed because of their professional activities is untrue. They are not prosecuted for their professional or public activities, but for the commission of specific offences and crimes.

161. A national association of the electronic media and a public foundation for the support and development of independent print media outlets and information agencies have been set up to support non-State-owned mass media and strengthen their logistics and human resources. At the President's initiative, bills have been elaborated on television and radio broadcasting, the economic bases of media activities, guaranteed State support for the media and other normative acts. The profound changes taking place in this area are having a positive impact on the development of the national printed media, the volume of which has more than doubled over the past 10 years and now stands at 1,372.

162. Constructive criticism of the Government by journalists in the mass media is not repressed or prohibited. On the contrary, it is welcome. The Act on Transparency in the Work of State and Government Bodies ensures for citizens and journalists all conditions for obtaining current, reliable information and effective public oversight over the activities of government bodies.

163. Journalists regularly publish articles (more than 500 in 2013 alone) in newspapers and magazines on the free, independent development of journalism in Uzbekistan. Despite critical articles in the country's press, not one of those journalists has been sentenced, and the judicial authorities have not taken a single decision to restrict or repress the journalistic activities of the authors of critical articles. In the entire period since Uzbekistan gained independence, not one journalist has been convicted for reasons connected with his or her work.

164. The Information Technology Act defines mechanisms for access by individuals and legal entities to information resources with the use of information technologies and systems. With regard to the active introduction and development of the information and communication technologies, in particular the Internet, as of 1 January 2014 261 websites were registered. Non-State media make up 78.0 per cent of television and radio stations and websites. Legislation restricts the operation of information agencies which disseminate material on religious and other forms of extremism, including political; destructive pornographic content; falsities constituting slander; and material containing terrorist or nationalistic appeals.

Reply to question 25

165. Cabinet of Ministers Decision No. 205 of 29 July 2014, on measures for further improvement of the procedure for the organization and holding of mass events, approved regulations for holding such activities. In accordance with those regulations, the organizers must file an application at least one month in advance to obtain authorization from the relevant supervisory commissions, which are attached to the Council of Ministers of the Republic of Karakalpakstan and the administrative authorities of the provinces, Tashkent, other cities and districts.

166. Persons declared by a court as lacking or partially lacking legal capacity, who are being held in places of deprivation of liberty pursuant to a court sentence or against whom administrative measures have been taken twice within one year for violating the regulations for the holding of mass events, as well as NGOs whose activities have been suspended or prohibited in accordance with the procedure prescribed by law, may not organize mass events.

167. Mass events held without authorization or designed to undermine the moral principles of society and universal human values or to bring about an unlawful change in the constitutional system, undermine Uzbekistan's territorial integrity, instigate war, violence and cruelty, foment social, racial, ethnic or religious hatred or commit other illegal acts are prohibited.

168. In accordance with the established procedure, the organizers of mass events have the right to lodge an appeal with the higher authorities or in a court of law to contest a refusal to issue such authorization and also to challenge the action or inaction of an official of the commission or other competent body.

169. The Code of Administrative Liability establishes liability for violation of the regulations for the holding of mass events (art. 200-1) and violation of the procedure for organizing and holding meetings, rallies, street marches or demonstrations (art. 201). Pursuant to article 217 of the Criminal Code, such actions, when undertaken following the application of an administrative penalty, constitute a criminal offence.

Reply to question 26

170. As of 1 October 2014, there were 8,186 NGOs throughout the country, compared to 100 in 1991 and 6,600 in 2013.

171. Presidential Decision No. 1456 of 3 January 2011 on additional measures to improve the structure of local executive authorities introduced the posts of deputy chair of the Council of Ministers of the Republic of Karakalpakstan and deputy regional administrator for relations with voluntary and religious organizations, as well as heads of their secretariat, in order to strengthen the social partnership in the secretariat of the Council of Ministers of the Republic of Karakalpakstan and the administrations of Bukhara, Djizak, Kashka-Darya, Navoi, Samarkand, Surkhan-Darya, Syr-Darya, Tashkent and Khorezm provinces.

172. An important role in the further development and improvement of the work of NGOs is played by Presidential Decision No. 2085 of 12 December 2013 on additional measures to promote the development of civil society institutions, pursuant to which a State tax is no longer imposed for the registration of separate subdivisions of NGOs (headquarters and branches), including those vested with the rights of a legal entity in Uzbekistan, and the State tax for the registration of associations of disabled persons, veterans, women and children is reduced by 50 per cent.

173. Cabinet of Ministers Decision No. 57 of 10 March 2014 on measures to implement Presidential Decision No. 2085 approved:

(a) Rules on the procedure for the registration of NGOs, which include the following basic changes:

- The time frame for the review of applications for registration of NGOs by judicial authorities has been shortened from two months to one month;
- The requirement that constituent documents must be notarized has been eliminated;
- A separate section has introduced norms regulating the procedure for the registration of separate subdivisions of NGOs;
- The procedure for the dismissal of an application without a review has been abolished;
- The procedure for the issuance of documents for a re-registration of NGOs has been simplified;

(b) Rules on the procedure for the registration of the logos of NGOs, pursuant to which:

- The time frame for the submission of an application for the registration of a logo following its approval has been increased from one month to two months;
- The procedure for the dismissal of an application without a review has been abolished;
- The rule according to which an application for the registration of the logo of NGOs must be signed by at least three members has been eliminated. The new version provides that the signature of an authorized person of the NGO is sufficient for the submission of an application;
- The rule on the requirement of a certified signature in accordance with the procedure established by law has been eliminated.

Reply to question 27

174. The reports in subparagraphs (a), (b) and (c) are unfounded: in point of fact, there are no restrictions on the number of registered religious organizations or time restrictions on registration. Today 2,226 religious organizations and 16 denominations are active in Uzbekistan. Moreover, some of the leaders of denominations have expressed the wish to create new religious organizations in different parts of the country.

175. The Criminal Code criminalizes the violation of freedom of conscience (art. 145), incitement to national, racial, ethnic or religious hatred (art. 156), the illegal organization of voluntary associations or religious organizations (art. 216), inducement to participate in the activities of illegal voluntary and religious organizations (art. 216-1), the violation of legislation on religious organizations (art. 216-2), the violation of the procedure governing religious instruction (art. 229-2), the production or distribution of material that endangers public order and security (art. 244-1), the formation, leadership or membership of religious extremist, separatist, fundamentalist or other banned organizations (art. 244-2) and the illegal production, storage, importation or distribution of material with a religious content (art. 244-3).

176. Administrative measures are taken against persons who have committed offences in connection with the production or storage, for the purpose of distribution, of material that endangers public order and security (art. 184), the appearance of persons in public places in

religious attire (art. 184-1), the illegal production, storage, importation or distribution of material with a religious content (art. 184-2), the illegal production, storage, importation or distribution of material propagating national, racial, ethnic or religious hatred (art. 184-3), the violation of legislation on religious organizations (art. 240) and the violation of the procedure governing religious instruction (art. 241).

177. The central administrative bodies of religious organizations exercise in full their right to import religious literature into Uzbekistan, in accordance with the relevant procedure.

178. Today active use is made of Christian literature by the interfaith Bible Society of Uzbekistan, which in 2013 presented four religious texts published in Uzbekistan for review and imported more than 5,000 copies of the Bible.

179. In January 2014 a Cabinet of Ministers Decision was adopted on measures to improve the procedure for activities in the area of the production, importation and distribution of religious materials which, together with forms of activity in that area, contains a list of religious materials which may not be imported or produced or distributed in Uzbekistan.

180. In the first half of 2013, the customs authorities of Surkhan-Darya province registered 171 instances in which 12,979 texts and audiovisual materials were imported. In 8 of those instances, 755 texts or audiovisual materials of an "extremist" nature were confiscated, and criminal proceedings were instituted. In 160 instances, 12,224 texts and audiovisual materials were confiscated. Following inspections and judicial evaluations, the importation of these religious materials into Uzbekistan was found to be illegal.

181. In 2013, 138 religious books were published on Islamic topics and 3,373 were imported; thousands of copies were involved.

182. As to the question of recognition of the right to refuse military service, it should be pointed out that no one may evade the performance of their legal obligations on grounds of religious beliefs.

183. In accordance with the Universal Military Duty and Military Service Act of 12 December 2002, citizens between 18 and 27 years of age enrolled in the military register and liable for conscription have the right to alternative service if they are members of registered religious organizations whose members are not permitted to bear arms or serve in the armed forces. The following religious organizations are concerned: Jehovah's Witnesses, Evangelical Christians-Baptists and Seventh Day Adventists.

Reply to question 28

184. Pursuant to the Political Parties Act, the formation of a political party requires at least 20,000 signatures by citizens who wish to join together in a party and who must reside in at least eight of the territorial entities, including the Republic of Karakalpakstan and the city of Tashkent.

185. The persons initiating the establishment of a political party (who should be not less than 50 in number) must form an organizing committee to draft the party's statutory documents, draw up its membership and convene a constituent assembly or conference.

186. The registration of political parties is carried out by the Ministry of Justice.

187. To register a political party, the following items must be submitted within one month of the adoption of the party's statutes: an application signed by no less than three members of the party's governing body; its statutes, programme and record of the constituent congress or conference; a bank document confirming payment of the

registration fee in the amount required by law; documents confirming that the legal requirements of the Political Parties Act have been met, including a list of 20,000 Uzbek citizens who have expressed a desire to join the party, together with their signatures; and the decision of a higher organ of the party concerning the powers conferred on office-holders and authorizing them to represent the party during registration or in case of litigation. A political party's application for registration is reviewed during the month following its receipt.

188. Ethnic groups and peoples living in Uzbekistan enjoy all political rights.

189. Members of ethnic cultural centres participate actively in the public and political life of the country. Many heads and activists of such centres are members of various parties and movements. Oliy Majlis deputies include members of the Karakalpak, Russian, Tajik, Kazakh and Korean ethnic groups. To cite one example, in the 21 December 2014 elections to the Oliy Majlis and municipal councils of people's deputies, members of the Russian Cultural Centre of Uzbekistan and of the Association of Korean Cultural Centres of Uzbekistan were registered as candidates. Members of the Karakalpak ethnic group take part in the activities of the legislative bodies of Uzbekistan and the sovereign Republic of Karakalpakstan, and an ethnic Karakalpak holds the post of Deputy Speaker of the Legislative Chamber of the Oliy Majlis.

Reply to question 29

190. A study of the legislation of Uzbekistan shows that provisions on the prohibition of racial discrimination are fully reflected in most laws and regulations. Thus, implementation of the recommendations on including the term "racial discrimination" in national legislation is considered unnecessary.

191. Pursuant to the Education Act, school education is compulsory and free of charge. Enrolment is based on the year a child was born, not on ethnic background. All ethnic minorities have access to education. Secondary and higher education is offered in seven languages: Uzbek, Karakalpak, Russian, Tajik, Kazakh, Turkmen and Kyrgyz.

192. There are 9,779 general education schools in Uzbekistan, of which 246 conduct lessons in Karakalpak, 110 in Russian, 172 in Tajik, 207 in Kazakh, 28 in Kyrgyz and 34 in Turkmen. There are also schools with classes taught in these languages: 134 offer instruction in Karakalpak, 689 in Russian, 96 in Tajik, 265 in Kazakh, 33 in Kyrgyz and 22 in Turkmen.

193. Among the 1.7 million students attending institutions of specialized secondary-level vocational education are 1,533,151 Uzbeks, 33,988 Karakalpaks, 46,415 Tajiks, 31,367 Kazakhs, 18,200 Russians, 9,328 Kyrgyz, 6,230 Tatars, 630 Armenians and 76 Roma.

194. Today, some 253,412 students attend institutions of higher education, including 222,297 Uzbeks (87.7 per cent), 9,766 Karakalpaks (3.9 per cent), 5,040 Russians (2 per cent), 4,772 Tajiks (1.9 per cent), 4,640 Kazakhs (1.8 per cent), 2,553 Tatars (1.0 per cent), 1,520 Koreans (0.6 per cent), 642 Kyrgyz (0.3 per cent), 505 Turkmen (0.2 per cent), 59 Jews (0.02 per cent), 204 Uighurs (0.1 per cent), 202 Ukrainians (0.1 per cent) and 1,212 members of other ethnic groups (0.5 per cent).

195. A total of 206,002 students (81.29 per cent) are taught in Uzbek and 35,994 (14.20 per cent) in Russian in 68 higher education institutions, 9,125 (3.60 per cent) students are taught in Karakalpak in 6 higher education institutions, 1,299 (0.51 per cent) in Kazakh in 7, 859 (0.34 per cent) in Tajik in 4, 71 (0.03 per cent) in Kyrgyz in 1 and 62 (0.02 per cent) in Turkmen in 1.

196. The assertion to the effect that some members of the Karakalpak ethnic group are unable to maintain their culture, livelihood, traditional lifestyle or language is not true.

197. Uzbekistan respects the right to self-determination of the people of Karakalpakstan, a sovereign republic that is an integral part of Uzbekistan. Karakalpakstan has established its own system of legislative, executive and judiciary authorities and defines the main thrusts of its political, social, economic and cultural development on the basis of the provisions of the Constitution and law of Uzbekistan and Karakalpakstan.

198. Each ethnic group organizes its ethnic cultural centres throughout the country and promotes and preserves its language, cultural traditions and way of life. As of 1 January 2015, the National Inter-Ethnic Cultural Centre coordinated the activity of 136 ethnic cultural centres, providing them with comprehensive support and assistance. Of the 136, 14 centres have the status of national organizations and work in close contact with the cultural centres in the country's provinces and cities.

Reply to question 30

199. Considerable attention is currently being given in Uzbekistan to raising awareness of the provisions of the Covenant and improving the qualifications of judicial and law enforcement officials.

200. In response to contemporary requirements, questions governing the provisions of the Covenant and its Optional Protocol have been included in the curriculum for judges at the Centre for Advanced Legal Training of the Ministry of Justice. For example, a course on criminal law includes lectures on topics such as trafficking in persons, crimes against personal freedom, and the Human Trafficking Act, and a course on human rights includes lectures on topics such as international legal aspects of the fight against international crime, international legal and national mechanisms to ensure women's rights, international standards and national legislation on children's rights, questions concerning the implementation of habeas corpus, and remand in custody as a preventive measure.

201. On 31 January 2014, the Academy of the Ministry of Internal Affairs approved a plan for implementation of the requirements of a 2014–2015 programme to teach internal affairs staff about the international conventions, covenants and agreements to which Uzbekistan is a party; courses on international human rights standards, including those contained in the Covenant, are also planned.

202. In 2013, the Tashkent State Law School began offering a course on international human rights law. The new curriculum for a baccalaureate degree in international human rights law comprises 142 hours of courses: 30 hours of lectures, 46 hours of practical exercises and 66 hours of independent work. The curriculum includes a study of the basic provisions of the Covenant and the mechanisms for its implementation.

203. The University of International Economics and Diplomacy offers a course on human rights for fourth-year students at the faculty of international law and for fifth-year students at the faculty of international relations, in the framework of which students learn about the basic provisions of the Covenant. The course includes lectures on basic human rights documents, international mechanisms for the protection of human rights, and civil and political rights.

204. Awareness-raising initiatives organized by the public authorities and civil society institutions play an important role in improving law enforcement practice with regard to the implementation of the provisions of the Covenant.

205. On 25 June 2014, Uzbekistan's National Centre for Human Rights in conjunction with the Centre for the Study of Legal Issues held a round-table discussion on "Questions

concerning the improvement of legislation on NGOs: Uzbekistan's experience", with the participation of the vice-president of the International Center for Not-for-Profit Law, N. Borzelli, and on 24 September 2014 the Centre, in cooperation with the Committee on Democratic Institutions, Non-Governmental Organizations and Citizens' Self-Governance Bodies of the Legislative Chamber of the Oliy Majlis and the Friedrich Ebert Foundation, organized a round-table discussion on "Current questions concerning the formation of civil society: Uzbekistan's and Germany's experience", with the participation of Peer Teschendorf, head of the Friedrich Ebert Foundation's office for Kazakhstan, Uzbekistan and Turkmenistan.

206. On 24 October 2014, the Committee on Foreign Policy of the Oliy Majlis Senate held a training seminar on "Improving work on the implementation of obligations under the country's international agreements, and questions concerning a strengthening of the coordination of the activities of ministries and departments in that area". On 24–25 October 2013 an international conference was convened on "Development of a national system for the protection of human rights in the context of the modernization of the country: Uzbekistan's experience and international practice" with the support of the OSCE Project Coordinator in Uzbekistan, a European Union project, the Friedrich Ebert Foundation and the Konrad Adenauer Foundation.

207. NGOs and citizens' self-governing bodies actively participate on a regular basis in preparing Uzbekistan's country reports on its implementation of the Covenant, and the participation of NGOs in the preparation of alternative country reports has also grown. The adoption of the Environmental Oversight Act, the Act on Transparency in the Work of State and Government Bodies, the Social Partnership Act and other legislation have played an important role in promoting interaction between the State and civil society in the area of human rights and freedoms.